G. R. S. IX-5]

Previous references.

File No. 2 of 1897

191

(Land Rev)

Serial Nos. 1

Later references.

L. R. 11 of 1898.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos.

Nigh ~~Part B~~ for November 1897.

SUBJECT.

Reservation of lands within five miles radius of mining property.

Sidere
JM

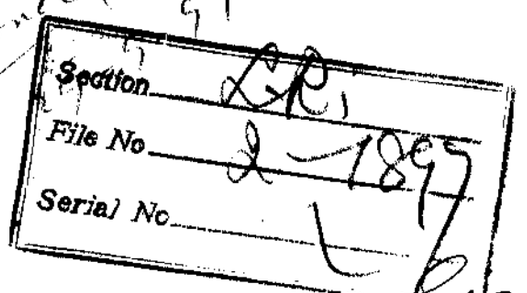
Draft remarked

W D 88—GPB—50,000—24-7-16

(5)

Proc: of the Govt of Mysore

Receipt
acknowledged 97



Order

Re Sanctioned
July
19/9/97

Govt are of opinion that on sanitary and other considerations, the indiscriminate construction of houses at and near the Kolar Gold Fields on lands not specially set apart for building purposes, should be forthwith prohibited ~~Some misapprehension appears to exist as regards the scope of~~ para 3 of Rule XXIII of the Land Revenue Rules. ~~The Deputy Commr should~~ at once cause it to be notified to all occupants

The Govt understand that the privilege of erecting buildings on Agricultural lands by

has been grossly abused in the neighbourhood of the mines, by the ~~Europeans~~ erection of

occupants of agricultural land at and in the neighborhood of the Gold Fields that the main purpose to which such land can be appropriated is agriculture, and that the only buildings permitted by the Rules are farm buildings and dwelling houses for agriculturists and their laborers, ~~and not~~ bazars, ~~streets of houses or such other Constructions as may materially affect~~ character of the land as agricultural land. Any violation of this rule should be promptly & adequately noticed, and no permission to

detached

of regular groups of houses badly arranged, ~~&~~ without drainage or Ventilation which lines of ~~the~~ huts for Miners Cooks &c ~~and~~ so as ~~to~~ destroy the

but also so as to become a standing menace to the Sanitation of the Miners & the neighbourhood

As from further measures of agricultural land in the neighbourhood of the mines will be prevented by orders issued in the following paras, but as regards lands already built upon as above described the Dept considers it necessary for the orders of Govt in the Revenue Dept, what fine ~~to be~~ levied & special assessment should be imposed under ss 45 & 65 of the Land Revenue Code, having due regard to the value of the land for the purposes for which it is used

Mining properties held under lease from the Govt

to erect on such land buildings other than those authorized as above should, under any circumstances, be granted by the local authorities.

2. Having regard to the rapid expansion of the Gold mining industry at the said locality, Govt direct that all unoccupied land within five miles of the boundary of any ~~of the mines~~ should be reserved until further orders. A complete list of such lands including Gomal, Kharab and assessed waste should be carefully prepared and submitted

the information of Govt together with the Dy Comm's opinion as to whether the reservation ordered above requires any, and what, modification.

3. X The Dy Comm's is further requested to Consider at once and report, the terms of the Notifications & Rules to be issued under the Mysore Mines' Regulation which has received the sanction of the Govt of India and which will shortly be published in the Official Gazette

To lands situated within the Area wherein reservation is ordered in the foregoing para, ~~the operation of Rules 3 of~~ ~~Rule XXIII of the Land Rev Rules,~~ is ~~to~~ ~~be~~ ~~suspended~~ the rules contained in paras 3, 4, 4 & 6 of Rule XXIII of the Land Rev Rules shall not apply — In the case of such lands the provisions of Ss. 63 & 63 of Land Rev Code shall be strictly adhered (Here enter para 2 of order) 11 Dec 94)

Secretary

To.
The Dy Comm's, Kolar Dt
" Supdt, Mysore
Rev: Survey
" Secy to Govt-Geological Dept

(3)

Wright

Leg

Please direct that Mr Christie Mountie
the orders all Kolan file Field
Lands de- This will all come
under the new Regn as Special
Areas for mining & Sawing purposes

237 Rule XXX in miscellaneous
It was one of the Chemical Clauses
liberal fads I protested
before the Vacancy & Reaching
& now the Vacancy & means
has the Vic urgently protested
Neighbourhood of Cities regarding
similar protests

I will propose to abolish
the Kendrick Rule &
go back to the whole
land before — The Rule
illegal

Sent to A.G. Nov 1 re validity of proposed regulations for mining operations in Kolan

rule will be same as
case in respect of
3 as respects
30-9-97

R.D. & Rev.
30.9.97.

I quite agree that para 3 of Rule XXVII is not quite warranted by the words of the S. 64 of the Regulation & am quite willing to amend by it another order may be necessary - as the modification may be made in this order itself - Please see the alteration suggested, which please type the Dewan -

I also think that Govt cannot, except not to substitute itself for the Dy Comr - This is not contemplated by the Regulation. Think therefore I think that under the Regn the Govt can regulate the fine by a general order only but there is a rule corresponding to para 6 in Bombay which empowers retainers (as also paras 4 & 5) Govt may prescribe the powers regulate the amount of the fine &c. Practically everyone will come under the cognizance of Govt when it reserves with the power under para 6.

= I shall, if the Dewan wishes, have a talk with him as soon as he is able to do business but it happens of my suggestions the order might stand - after receipt of the final draft type

Chief
3/10/97

(5)

Progs. of the Govt. of Mysore.

Order.

Govt. are of opinion that on sanitary and other considerations, the indiscriminate construction of houses at and near the Kolar Gold Fields on lands not specially set apart for building purposes, should be forthwith prohibited. The Government understand that the privilege of erecting buildings on agricultural land granted by para 3 of Rule XXIII of the Land Revenue Rules has been grossly abused in the neighborhood of the mines, by the erection of regular bazars, groups of

ed in para 1 above,

e XXIII of the Land Rev

The Dewan agrees to the immediate abrogation of the rule in question & pacific

29-10-97

provision regarding the erecting of buildings such as have the effect of enhancing the value of agricultural lands contained in

SS Rangachar & Co
23 27/10(97)

Submitted
SS Rangachar

of houses badly arranged and without drainage or ventilation, whole lines of huts for mining Coolies &c., so as not only to destroy the character of the land built upon as agricultural land, but also so as to become a standing nuisance to the sanitation of the mines and its neighbourhood. Any future misuse in this manner of agricultural land in the neighbourhood of the mines will be prevented by order issued in the following para, but as regards lands already built upon as above described, the Deputy Commissioner will recommend for the orders of Government in the

the Revenue Department what fine and special assessment he would propose to impose under Sections 48, 63 & 64 of the Land Revenue Code, having due regard to the value of the land for the purpose for which it is used.

2. Having regard to the rapid expansion of the Gold mining industry at the said locality, Govt direct that all unoccupied land within five miles of the boundary of any mining property held under lease from the Government should be reserved until further orders. A Complete list of such lands including Gomal, Kharab and assessed waste should be carefully prepared and

and submitted for the information of Govt together with the Deputy Commrs opinion as to whether the reservation ordered above is sufficient or whether the same requires any, and what modification. So lands situated within the area wherein reservation is ordered in the foregoing para the Govt shall ~~rules~~ Rules contained in paras 3, 4, 5, & 6 of Rule XXIII of the Land Revenue Rules shall ~~not apply~~. In all such cases ~~the case~~ of such lands the provisions of sections 63 & 64 of the Land Revenue Code shall also be strictly applied.

4. When an application is made for the appropriation of any land within the limits above specified for

Govt deem it necessary to remove ~~these~~ restrictions which is not strictly authorised by the wording of Sec 63 of the new code, from para 3 of ~~the~~ rules which as now amended will read as follows:- (Here write the rule omitting the words from " or to withdraw &c " which are likely to be " is void. A notice of the above appeal will be published in the gazette

Para 2 of Notification No. 9 R 215-12 dt. 11th Oct 1914

Bombay 2 Oct 1915

3579/15

non-agricultural purposes, the Deputy Commissioner should obtain the previous sanction of Government before granting it or imposing any assessment under clauses (b) and (c) of section 48 of the Land Revenue Code.

5. The Deputy Commr. is further requested to consider at once and report the terms of the Notifications and Rules to be issued under the Mysore Mines' Regulation which has received the sanction of the Govt. of India and which will shortly be published in the Official Gazette.

By order &c

Secy

To.

The Dy Commr. Kolar Dist
Supdt. Mysore Revenue Survey
Secy to Govt. Geological Deptt

6

Print

Re-draft

(15) S

Progs of the Govt of Mysore

Order: — No 3957-66 / R. 1228 dated 2.11.97

Section LR 1
File No 2 1897
Serial No 1

Government are of opinion that on sanitary and other considerations, the indiscriminate con-struction of houses at and near the Kolar Gold Fields on lands not specially set apart for building purposes, should be forth-with prohibited. The Govt understand that the provision regarding the erection of buildings such as have the effect of en-hancing the value of agri-cultural lands contained in para 3 of Rule XXIII of the Land Revenue Rules has

with the Deputy Commrs
opinion as to whether
the reservation ordered
above is sufficient or
whether the same requires
any, and what modification.

3. The foregoing lands Situated within
the area wherein reservation
is ordered in the foregoing
para, the Dy Commr shall
not act under the rules
contained in paras 4 & 5
of Rule XXIII of the Land Rev.
Rules, but shall in all such
cases apply for and obtain
the Special orders of Govt.
In the case of such lands, the
provisions of Sections 63 and
64 of the Land Revenue Code
shall also be Strictly applied.

4. The Dy Commr is further
requested to consider at
once and report the terms
of the Notifications and
Rules to be issued under the

Mysore Mines' Regulation which has ~~received the sanction of the Govt of India and which with~~ recently shortly be published in the official Gazette.

5. Govt deem it necessary to remove ~~the provision~~ from para 3 of Rule XXIII of the L. R. Rules, the provision referred to in para 1 above, which is not strictly supported by the wording of Section 63 of the Rev. Code, and they accordingly direct that the following Notification be published in the Gazette.

No 3967 of 2.11.97.
R. 1229

Notification.

The Govt of Mysore are pleased to direct that the clause beginning with the word "or" and ending with the word "value" be omitted

from para 3 of Rule XXIII
of the Mysore Land
Revenue Rules.

2. The rule as above
modified will read as
follows:—

"3. The appropriation
"of agricultural land
"to any purpose uncon-
"nected with agriculture
"within the meaning of
"Section 63 shall be con-
"sidered to mean quarry-
"ing, brick-making, re-
"moval of the soil for
"other purposes, and such
"other operations as are
"calculated to render the
"land unfit for cultivation.
"In the case of agricultural
"land appropriated for any
"purpose (as above defined)
"unconnected with agriculture,
"the assessment fixed for
"purposes of agriculture
"shall be liable to be altered

"under Section 48"

Print 30-10-97

29/10/97 Secretary.

29/10/97

To. The Dy Commr, Kolar District
The Dy Commrs of other districts
" Supdt of Rev Survey.
" Secretary to Govt in the Geological Deptt

Note

A copy of the Notfn only should be sent to the Compiler, Mysore Gazette, for publication in English & Canarese.

Note approved
Fee received
& receipt
on clearing
Note for Press
30-10-97

Note

1) Send Press Copies & Notfn & Press Copy
Press Copy
2) Bill should also be sent with
copy of Notfn
3) Spare Copies &
(2) at once
K
1/11

(5)

1897-98

GOVERNMENT OF MYSORE

REVENUE

PROCEEDINGS

Dated 2nd November 1897

No. 3957-66
R. 1228

Prohibiting the indiscriminate construction of houses near the Kolar Gold Fields on lands not specially set apart for building purposes, directing the reservation of all unoccupied lands within five miles of the boundary of any mining property, modifying para 3 of Rule XXIII of the Mysore Land Revenue Rules, and calling upon the Deputy Commissioner to report the terms of the Notification and Rule to be issued under the Mysore Mines Regulation.

M.G.C.P.B.—11-97—250

No. 3967-68—R. 1228, DATED, BANGALORE, 2ND NOVEMBER 1897.

ORDER.—Government are of opinion that on sanitary and other considerations, the indiscriminate construction of houses at and near the Kolar Gold Fields on lands not specially set apart for building purposes, should be forthwith prohibited. The Government understand that the provision regarding the erection of buildings, such as have the effect of enhancing the value of agricultural lands contained in para 3 of Rule XXIII of the Land Revenue Rules, has been grossly abused in the neighbourhood of the mines by the erection of regular bazaars, groups of houses badly arranged and without drainage or ventilation, whole lines of huts for mining coolies, &c., so as not only to destroy the character of the land built upon as agricultural land, but also so as to become a standing nuisance to the sanitation of the mines and its neighbourhood. Any future misuse in this manner of agricultural land in the neighbourhood of the mines will be prevented by order issued in the following paras, but as regards lands already built upon as above described, the Deputy Commissioner will recommend, for the orders of Government in the Revenue Department, what fine and special assessment he would propose to impose under Sections 48, 63 and 64 of the Land Revenue Code, having due regard to the value of the land for the purpose for which it is used.

2. Having regard to the rapid expansion of the gold mining industry at the said locality, Government direct that all unoccupied land, within five miles of the boundary of any mining property held under lease from the Government, should be reserved until further orders. A complete list of such lands including gomal, kharab and assessed waste should be carefully prepared and submitted for the information of Government, together with the Deputy Commissioner's opinion as to whether the reservation ordered above is sufficient, or whether the same requires any, and what, modification.

3. As regards lands situated within the area wherein reservation is ordered in the foregoing para, the Deputy Commissioner shall not act under the rules contained in paras 4 and 5 of Rule XXIII of the Land Revenue Rules, but shall in all such cases apply for and obtain the special orders of Government. In the case of such lands, the provisions of Sections 63 and 64 of the Land Revenue Code shall also be strictly applied.

4. The Deputy Commissioner is further requested to consider at once and report the terms of the Notification and Rules to be issued under the Mysore Mines Regulation which has recently been published in the Official Gazette.

5. Government deem it necessary to remove from para 3 of Rule XXIII of the Land Revenue Rules, the provision referred to in para 1 above, which is not strictly supported by the wording of Section 63 of the Revenue Code, and they accordingly direct that the following Notification be published in the *Gazette*.

NOTIFICATION.

No. 3967—*R.* 1229, *dated 2nd November* 1897.

The Government of Mysore are pleased to direct that the clause beginning with the word "or" and ending with the word "value" be omitted from para 3 of Rule XXIII of the Mysore Land Revenue Rules.

2. The rule as above modified will read as follows

3. "The appropriation of agricultural land to any purpose unconnected with agriculture within the meaning of Section 63 shall be considered to mean